

# Facility and Equipment Management

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# **Facility and Equipment Management**

## **10-01 COURT RECORDING EQUIPMENT**

### **A. Authority**

All proceedings in the district court which are recorded by a court recorder shall be recorded by the use of recording devices approved by the State Court Administrator.  
[MCL 600.8611]

All proceedings in the probate court which are recorded by a court recorder shall be recorded on a recording device approved by the State Court Administrator.  
[MCL 600.859(1)]

### **B. State Court Administrator Approved Audio Recording Equipment for Michigan Courts**

See a list of the audio recording equipment approved by the State Court Administrator for use in Michigan courts at the State Court Administrative Office website at:  
<http://courts.michigan.gov/scao/resources/other/recordingequip.pdf>. [MCR 8.103(10)]

### **C. Court Recording Equipment Standards**

At the May 20, 1975 Administrative Conference, the Supreme Court approved the Instructional Media Center Technical Services Testing Laboratory at Michigan State University as the independent testing agency for court recording equipment. The State Court Administrative Office will approve or reject court recording equipment based on test results. Potential customers and vendors should make application to the Certification Coordinator of the State Court Administrative Office. You may obtain a copy of the standards from the State Court Administrative Office.

### **D. Contractual Guidelines for Acquiring Court Recording Equipment**

#### **1. Request for Proposal and Function**

A well-detailed Request for Proposal (RFP) should precede selection of successful bidder. A properly prepared and documented Request for Proposal is not only a prerequisite and consideration of a bid, but also a purchase/lease/service contract. The Request for Proposal should at least elicit information about the vendor's pertinent experience and capabilities, describe his/her technical approach, and should cover price, delivery, and installation schedules.

## **2. Elements of Request for Proposal**

### **a. Vendor Data**

The prospective vendor's data should supply pertinent information establishing its technical, financial, and other capabilities to perform the required work. This should include:

- 1) corporate and financial background.
- 2) technical capabilities, including specialized engineering equipment design capabilities, production capacities, and experience.
- 3) maintenance/service/repair capabilities and practices.

Although not absolutely necessary to an RFP, the prospective vendor should disclose references to previous customers, with specific emphasis on the equipment or systems which are contemplated under the RFP.

### **b. "Know-How"**

The prospective vendor must, of course, demonstrate its understanding of the operational and technical requirements which may be supported by approved rating/listing by recognized testing laboratories and/or demonstration/experience of the equipment in-current courtroom use, if any. An in-depth description of the proposed equipment, including the production, maintenance, and reliability history of the proposed equipment should be furnished. The terms of all guarantees and warranties which apply to the equipment and material must be furnished. In this context, the vendor must identify and describe the maintenance and service organization which will perform such services and shall specify the terms, conditions, and procedures which will govern such maintenance and repair services. It is also useful during the RFP process to secure copies of any existing operating instructions and maintenance handbooks previously or currently furnished by the prospective vendor and to obtain an estimate, or ascertain from the foregoing, a description of the training mode, time, and cost required for system operation.

### **c. Cost**

Finally, the prospective vendor must supply complete and current price schedules disclosing the unit price for each item, including any design option price schedule, discounts, add-ons, etc. The prospective vendor shall specify a projected timetable for deliveries and installations of equipment and material and documentation to be supplied.

### **3. Contract**

#### **a. Preparation**

Utilizing the information and documents obtained via the RFP process, the drafter now must translate informational data into contractual terms and conditions. The following is furnished as a rough guide to the common contractual terms necessary and/or desirable in purchase/lease and service agreements between a governmental agency and a private vendor. Reiterating for emphasis, it is not intended to be a comprehensive treatment of the law of contracts or a rigid formulation of the scope and content of the agreement between the contracting parties. As always, the primary test is the intention of the parties as gathered from the whole scope and effect of the language used.

#### **b. Preamble**

The introductory section of the contract, commonly called the preamble, should clearly identify the document as a contract entered into on a date certain by and between all of the parties involved, who should be clearly identified by name and address. The nature and scope of the relationship that will be established by the contract should be clearly spelled out and the underlying consideration, i.e., reciprocal promises and performances should be generally stated. In order to simplify drafting of the terms and conditions which follow the preamble, it is helpful to identify and incorporate by reference, if appropriate, in the preamble the underlying documents such as the request for proposal, the vendor's response, etc.

#### **c. Terms and Conditions**

Following the preamble and the common prefatory statement such as "The parties to this agreement, in consideration of mutual promises, state and agree as follows:", the drafter should address in full and specific detail relevant terms and conditions of the contract. The specific order of presentation of the contractual terms can be prescribed and the drafter is best guided by the inherent chronology and logic of the relevant terms and conditions of the agreement.

### **E. Videotape Record**

Under Mich Sup Ct AO 1990-7 trial courts may use videotape record systems for the purpose of making the verbatim court record of proceedings in individual courtrooms. Courts desiring approval to use the videotape record system must submit a local administrative order to the State Court Administrator to implement procedures.

A Videotape Record System Users Manual has been developed which outlines the standards for use in Michigan. The manual is available from the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/publications/manuals/Video-02-mnl.pdf>. (See also Sections 1-06, 3-02, and 9-09). [Mich Sup Ct AO 1990-7]

## **10-02 COURTROOM STANDARDS**

### **A. Introduction**

In 1981, the Michigan Courthouse Study was published. That study summarized the results of a two-year inventory and evaluation of state court facilities in Michigan. The project, sponsored by the Judicial Coordinating Committee of the Supreme Court of the State of Michigan, was carried out by the Architectural Research Laboratory of the University of Michigan's College of Architecture and Urban Planning. Through administrative order 1983-2, the Michigan Supreme Court endorsed the use of the study's Design Guidelines for all future construction, remodeling, or renovation of court facilities in the state.

During the nearly two decades that have lapsed since the development of the first guidelines, many advances in design and technology have occurred. Current court facility design standards incorporate advancements in building technologies as well as addressing the impact of the rapid changes in information technology that effect efficient trial court operations.

The Michigan Court Facilities Standards Project Advisory Committee was appointed to assist the State Court Administrative Office (SCAO) in the review and revision of the prior trial court design guidelines. The update of the 1981 Design Guidelines is intended to highlight again those components of a courthouse that require special consideration in designing a new facility or expanding an existing courthouse.

The current facility standards can be found at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/standards/#facility>.

### **B. Authority**

In the State of Michigan, circuit and probate court facilities are the financial responsibility of county government. [MCL 45.16, MCL 46.7] Depending upon the class type, district court facilities are the financial responsibility of either the county or the political subdivision(s) where the court sits. [MCL 600.8261, MCL 600.8262, MCL 600.8263]

Through administrative order 1983-2, the Michigan Supreme Court endorsed the use of the 1981 Design Guidelines for all future construction, remodeling, or renovation of court facilities in the state.[Mich Sup Ct AO 1983-2]

## **10-03 COUNTY LAW LIBRARIES**

### **A. Authority**

The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships, and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law. [Const 1963, Art 8, Sec 9]

### **B. Funding; County Law Library Fund**

In each county the county treasurer shall credit semi-annually to a fund to be known as the county law library fund, from the library fund, an amount as follows:

1. In counties having a population of 250,000 or more, but less than 1,000,000 inhabitants, the sum credited shall not exceed for each year \$8,500.00.
2. In counties having a population of 50,000 or more, but less than 250,000 inhabitants, the sum credited shall not exceed for each year \$6,500.00.
3. In counties of 35,000 or more, but less than 50,000 inhabitants, the sum credited shall not exceed for each year \$4,500.00.
4. In counties of 20,000 or more, but less than 35,000 inhabitants, the sum credited shall not exceed for each year \$3,500.00.
5. In counties of 10,000 or more, but less than 20,000 inhabitants, the sum credited shall not exceed for each year \$2,500.00.
6. In counties of less than 10,000 inhabitants, the sum credited shall not exceed for each year \$2,000.00.

[MCL 600.4851(1)]

There is no other state funding provided, and additional funds, if any, must be supplied by appropriations by the county board of commissioners of the individual counties.

**C. Expenditures; Purpose and Approval by Chief Circuit Judge**

All money credited to the county law library shall be paid out by the county treasurer only upon the order of the circuit judge in multiple county circuits or upon the order of the presiding judge in single county circuits for the purpose of establishing, operating, and maintaining a law library for the use of the circuit, district, and probate court in the county and for the officers of the courts and persons having business in the courts. [MCL 600.4851(2)]

**D. Expenditure Report**

The county law librarian, or other person as the circuit or presiding judge shall designate, shall make a detailed report before January 2 of each year of the sums expended for books for the county law library. The annual report shall be filed with the county clerk. [MCL 600.4851(3)]

**E. Minimum Standards for County Law Libraries**

The State Court Administrative Office, along with the State Law Library, has approved minimum standards for county law libraries. See the standards at the SCAO website at: [http://courts.michigan.gov/scao/resources/standards/cllib\\_stds.pdf](http://courts.michigan.gov/scao/resources/standards/cllib_stds.pdf).